

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN, and
THE BRAUN FAMILY TRUST by its co-trustee
ERIC BRAUN, on behalf of themselves and all
others similarly situated,

No. C 10-03588 WHA

Plaintiffs,

**ORDER RE UNDELIVERABLE
CLASS NOTICES**

v.

SKY BELL ASSET MANAGEMENT,
LLC, *et al.*,

Defendants.

Class counsel are advised that the Court has received as undeliverable envelopes
containing the class notice and request to opt out form for the following:

- Sovereign Inherent Return Fund LP
- DFK Limited Partnership
- David F. Kaplan
- Mark Christiansen & Amy Lodato JTWROS
- Sarah Keenan Living Trust (also marked “forwarding order expired”)

The Court is also in receipt of a request to opt out form from NYROY — Acct #1516
Pledged to Royal Bank of Canada. The only marking on the form states the following: “Please
issue check in name of beneficial owner Laurel Partners, L.L.C.” The form is dated June 5, 2012
and signed by John Villani, attorney in fact.

1 The Court would be inclined not to extinguish the rights of any class member who fails to
2 receive notice. Such class members would be deemed opted out of the class. But counsel are
3 welcome to cure the failure to deliver by locating an alternative address to mail each class notice
4 and request to opt out that was undeliverable. Counsel must do so promptly so that each class
5 member whose mail was returned as undeliverable will receive the class notice and have
6 adequate time to object or request exclusion from the class.

7
8 **IT IS SO ORDERED.**

9
10 Dated: June 14, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE